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N.F.

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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

10 CORY SPENCER, an individual;
11 DIANA MILENA REED, an
individual; and COASTAL
12 PROTECTION RANGERS, INC., a
California non-profit public benefit
13 corporation;

Plaintiffs,

14 v.

15 LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF THE
16 LUNADA BAY BOYS, including but
not limited to SANG LEE, BRANT
17 BLAKEMAN, ALAN JOHNSTON aka
JALIAN JOHNSTON, MICHAEL
18 RAE PAPAYANS, ANGELO
FERRARA, FRANK FERRARA,
19 CHARLIE FERRARA, and N.F.; CITY
OF PALOS VERDES ESTATES;
20 CHIEF OF POLICE JEFF KEPLEY, in
his representative capacity; and DOES 1
21 – 10,

22 Defendants.

Case No. 2:16-cv-2129
Assigned to Courtroom: 1
The Hon. S. James Otero

Assigned Discovery:
Magistrate Judge: Hon. Rozella A. Oliver

**DEFENDANTS ANGELO
FERRARA'S AND N.F.'S ANSWER
TO PLAINTIFFS' COMPLAINT,
AND JURY DEMAND**

Action Commenced: 3/29/16

23
24 Defendants Angelo Ferrara and N.F., (collectively, "Defendants"), by
25 and through their attorney of record, hereby file this Answer and Affirmative
26 Defenses to the Complaint of Plaintiffs Cory Spencer ("Spencer"), Diana Milena
27 Reed ("Reed") and Coastal Protection Rangers, Inc. ("CPRI") (collectively,
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1 "Plaintiffs"), and admit, deny, and allege as follows:

2 1. In response to Paragraph 1, Defendants lack knowledge or information
3 sufficient to form a belief as to the truth of the allegations regarding Spencer's age,
4 occupation, or hobbies, and on that basis deny those allegations. Defendants deny
5 the remainder of the allegations.

6 2. In response to Paragraph 2, Defendants lack knowledge or information
7 sufficient to form a belief as to the truth of the allegations regarding Reed's age,
8 occupation, or hobbies, and on that basis deny those allegations. Defendants deny
9 the remainder of the allegations.

10 3. In response to Paragraph 3, Defendants lack knowledge or information
11 sufficient to form a belief as to the truth of the allegations regarding the purpose of
12 CPRI, and deny the remainder of the allegations.

13 4. In response to Paragraph 4, Defendants deny that they have engaged in
14 the activities alleged, and except as specifically denied they lack knowledge or
15 information sufficient to form a belief as to the truth of the allegations, and on that
16 basis deny those allegations.

17 5. In response to Paragraph 5, Defendants deny that they have engaged in
18 the activities alleged, and except as specifically denied they lack knowledge or
19 information sufficient to form a belief as to the truth of the allegations, and on that
20 basis deny those allegations.

21 6. In response to Paragraph 6, Defendants deny that they have engaged in
22 the activities alleged, and except as specifically denied they lack knowledge or
23 information sufficient to form a belief as to the truth of the allegations, and on that
24 basis deny those allegations.

25 7. In response to Paragraph 7, Defendants deny that they have engaged in
26 the activities alleged, and except as specifically denied they lack knowledge or
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1 information sufficient to form a belief as to the truth of the allegations, and on that
2 basis deny those allegations.

3 8. In response to Paragraph 8, Defendants admit that Palos Verdes Estates
4 is a general law city subject to the laws of the State of California, and denies the
5 remainder of the allegations.

6 9. In response to Paragraph 9, Defendants admit that Defendant Kepley
7 serves as Chief of Police for Palos Verdes Estates, and denies the remainder of the
8 allegations.

9 10. In response to Paragraph 10, Defendants lack knowledge or
10 information sufficient to form a belief as to the truth of the allegations, and on that
11 basis deny those allegations.

12 11. In response to Paragraph 11, Defendants deny the allegations.

13 12. In response to Paragraph 12, Defendants deny the allegations.

14 13. In response to Paragraph 13, Defendants admit the Court may grant
15 declaratory and other relief pursuant to the statutes cited, and deny the remainder of
16 the allegations.

17 14. In response to Paragraph 14, Defendants admit the allegations.

18 15. In response to Paragraph 15, Defendants admit the beaches, shoreline,
19 and surfing area are open to the public, deny that they have engaged in the activities
20 alleged, and except as specifically denied they lack knowledge or information
21 sufficient to form a belief as to the truth of the allegations, and on that basis deny
22 those allegations.

23 16. In response to Paragraph 16, Defendants deny that Lunada Bay is open
24 to few, and otherwise admit the allegations.

25 17. In response to Paragraph 17, Defendants admit that Lunda Bay is a
26 location of big-wave breaks and that Plaintiffs' have referenced written materials;
27 except as admitted herein deny that they have engaged in the activities alleged; and,
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1 except as specifically admitted or denied they lack knowledge or information
2 sufficient to form a belief as to the truth of the allegations, and on that basis deny
3 those allegations.

4 18. In response to Paragraph 18, Defendants admit that a structure exists at
5 the base of the Lunada Bay bluff and that the Goat Trail, South Trail, and a campfire
6 ring exist; except as admitted herein deny that they have engaged in the activities
7 alleged; and, except as specifically admitted or denied they lack knowledge or
8 information sufficient to form a belief as to the truth of the allegations, and on that
9 basis deny those allegations.

10 19. In response to Paragraph 19, Defendants lack knowledge or
11 information sufficient to form a belief as to the truth of the allegations, and on that
12 basis deny those allegations.

13 20. In response to Paragraph 20, Defendants deny that they have engaged
14 in the activities alleged, and except as specifically denied they lack knowledge or
15 information sufficient to form a belief as to the truth of the allegations, and on that
16 basis deny those allegations.

17 21. In response to Paragraph 21, Defendants deny that they have engaged
18 in the activities alleged, and except as specifically denied they lack knowledge or
19 information sufficient to form a belief as to the truth of the allegations, and on that
20 basis deny those allegations.

21 22. In response to Paragraph 22, Defendants deny that they have engaged
22 in the activities alleged, and except as specifically denied they lack knowledge or
23 information sufficient to form a belief as to the truth of the allegations, and on that
24 basis deny those allegations.

25 23. In response to Paragraph 23, Defendants deny that they have engaged
26 in the activities alleged, and except as specifically denied they lack knowledge or
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1 information sufficient to form a belief as to the truth of the allegations, and on that
2 basis deny those allegations.

3 24. In response to Paragraph 24, Defendants deny that they have engaged
4 in the activities alleged, and except as specifically denied they lack knowledge or
5 information sufficient to form a belief as to the truth of the allegations, and on that
6 basis deny those allegations.

7 25. In response to Paragraph 25, Defendants deny that they have engaged
8 in the activities alleged, and except as specifically denied they lack knowledge or
9 information sufficient to form a belief as to the truth of the allegations, and on that
10 basis deny those allegations.

11 26. In response to Paragraph 26, Defendants deny that they have engaged
12 in the activities alleged, and except as specifically denied they lack knowledge or
13 information sufficient to form a belief as to the truth of the allegations, and on that
14 basis deny those allegations.

15 27. In response to Paragraph 27, Defendants deny that they have engaged
16 in the activities alleged, and except as specifically denied they lack knowledge or
17 information sufficient to form a belief as to the truth of the allegations, and on that
18 basis deny those allegations.

19 28. In response to Paragraph 28, Defendants deny that they have engaged
20 in the activities alleged, and except as specifically denied they lack knowledge or
21 information sufficient to form a belief as to the truth of the allegations, and on that
22 basis deny those allegations.

23 29. In response to Paragraph 29, Defendants deny that they have engaged
24 in the activities alleged, and except as specifically denied they lack knowledge or
25 information sufficient to form a belief as to the truth of the allegations, and on that
26 basis deny those allegations.

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1 30. In response to Paragraph 30, Defendants state such Paragraph contains
2 legal conclusions to which no response is required. To the extent a response is
3 deemed required, Defendants deny the same.

4 31. In response to Paragraph 31, Defendants state such Paragraph contains
5 legal conclusions to which no response is required. To the extent a response is
6 deemed required, Defendants deny the same.

7 32. In response to Paragraph 32, Defendants state such Paragraph contains
8 legal conclusions to which no response is required. To the extent a response is
9 deemed required, Defendants deny the same.

10 33. In response to Paragraph 33, Defendants state such Paragraph contains
11 legal conclusions to which no response is required. To the extent a response is
12 deemed required, Defendants deny the same.

13 In response to Paragraph 33(a), Defendants state such Paragraph
14 contains legal questions and/or conclusions to which no response is required.
15 To the extent a response is deemed required, Defendants deny the same.

16 In response to Paragraph 33(b), Defendants state such Paragraph
17 contains legal questions and/or conclusions to which no response is required.
18 To the extent a response is deemed required, Defendants deny the same.

19 In response to Paragraph 33(c), Defendants state such Paragraph
20 contains legal questions and/or conclusions to which no response is required.
21 To the extent a response is deemed required, Defendants deny the same.

22 In response to Paragraph 33(d), Defendants state such Paragraph
23 contains legal questions and/or conclusions to which no response is required.
24 To the extent a response is deemed required, Defendants deny the same.

25 In response to Paragraph 33(e), Defendants state such Paragraph
26 contains legal questions and/or conclusions to which no response is required.
27 To the extent a response is deemed required, Defendants deny the same.
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1 In response to Paragraph 33(f), Defendants state such Paragraph
2 contains legal questions and/or conclusions to which no response is required.
3 To the extent a response is deemed required, Defendants deny the same.

4 In response to Paragraph 33(g), Defendants state such Paragraph
5 contains legal questions and/or conclusions to which no response is required.
6 To the extent a response is deemed required, Defendants deny the same.

7 In response to Paragraph 33(h), Defendants state such Paragraph
8 contains legal questions and/or conclusions to which no response is required.
9 To the extent a response is deemed required, Defendants deny the same.

10 In response to Paragraph 33(i), Defendants state such Paragraph
11 contains legal questions and/or conclusions to which no response is required.
12 To the extent a response is deemed required, Defendants deny the same.

13 In response to Paragraph 33(j), Defendants state such Paragraph
14 contains legal questions and/or conclusions to which no response is required.
15 To the extent a response is deemed required, Defendants deny the same.

16 In response to Paragraph 33(k), Defendants state such Paragraph
17 contains legal questions and/or conclusions to which no response is required.
18 To the extent a response is deemed required, Defendants deny the same.

19 In response to Paragraph 33(l), Defendants state such Paragraph
20 contains legal questions and/or conclusions to which no response is required.
21 To the extent a response is deemed required, Defendants deny the same.

22 In response to Paragraph 33(m), Defendants state such Paragraph
23 contains legal questions and/or conclusions to which no response is required.
24 To the extent a response is deemed required, Defendants deny the same.

25 In response to Paragraph 33(n), Defendants state such Paragraph
26 contains legal questions and/or conclusions to which no response is required.
27 To the extent a response is deemed required, Defendants deny the same.
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1 In response to Paragraph 33(o), Defendants state such Paragraph
2 contains legal questions and/or conclusions to which no response is required.
3 To the extent a response is deemed required, Defendants deny the same.

4 In response to Paragraph 33(p), Defendants state such Paragraph
5 contains legal questions and/or conclusions to which no response is required.
6 To the extent a response is deemed required, Defendants deny the same.

7 34. In response to Paragraph 34, Defendants state such Paragraph contains
8 legal conclusions to which no response is required. To the extent a response is
9 deemed required, Defendants deny the same.

10 35. In response to Paragraph 35, Defendants state such Paragraph contains
11 legal conclusions to which no response is required. To the extent a response is
12 deemed required, Defendants deny the same.

13 36. In response to Paragraph 36, Defendants state such Paragraph contains
14 legal conclusions to which no response is required. To the extent a response is
15 deemed required, Defendants deny the same.

16 37. In response to Paragraph 37, Defendants state such Paragraph contains
17 legal conclusions to which no response is required. To the extent a response is
18 deemed required, Defendants deny the same.

19 38. In response to Paragraph 38, Defendants state such Paragraph contains
20 legal conclusions to which no response is required. To the extent a response is
21 deemed required, Defendants deny the same.

22 39. In response to Paragraph 39, Defendants state such Paragraph contains
23 legal conclusions to which no response is required. To the extent a response is
24 deemed required, Defendants deny the same.

25 40. In response to Paragraph 40, Defendants state such Paragraph contains
26 legal conclusions to which no response is required. To the extent a response is
27 deemed required, Defendants deny the same.

1 41. In response to Paragraph 41, Defendants state such Paragraph contains
2 legal conclusions to which no response is required. To the extent a response is
3 deemed required, Defendants deny the same.

4 42. In response to Paragraph 42, Defendants lack knowledge or
5 information sufficient to form a belief as to the truth of the allegations, and on that
6 basis deny those allegations.

7 43. In response to Paragraph 43, Defendants repeat and incorporate by
8 reference the prior Paragraphs of this Answer.

9 44. In response to Paragraph 44, Defendants deny that they have engaged
10 in the activities alleged, and except as specifically denied they lack knowledge or
11 information sufficient to form a belief as to the truth of the allegations, and on that
12 basis deny those allegations.

13 45. In response to Paragraph 45, Defendants deny that they have engaged
14 in the activities alleged, and except as specifically denied they lack knowledge or
15 information sufficient to form a belief as to the truth of the allegations, and on that
16 basis deny those allegations.

17 46. In response to Paragraph 46, Defendants deny that they have engaged
18 in the activities alleged, and except as specifically denied they lack knowledge or
19 information sufficient to form a belief as to the truth of the allegations, and on that
20 basis deny those allegations.

21 47. In response to Paragraph 47, Defendants deny that they have engaged
22 in the activities alleged, and except as specifically denied they lack knowledge or
23 information sufficient to form a belief as to the truth of the allegations, and on that
24 basis deny those allegations.

25 48. In response to Paragraph 48, Defendants state such Paragraph contains
26 legal conclusions to which no response is required. To the extent a response is
27 deemed required, Defendants deny the same.

1 49. In response to Paragraph 49, Defendants deny that they have engaged
2 in the activities alleged, and except as specifically denied they lack knowledge or
3 information sufficient to form a belief as to the truth of the allegations, and on that
4 basis deny those allegations.

5 50. In response to Paragraph 50, Defendants deny that they have engaged
6 in the activities alleged, and except as specifically denied they lack knowledge or
7 information sufficient to form a belief as to the truth of the allegations, and on that
8 basis deny those allegations.

9 51. In response to Paragraph 51, Defendants repeat and incorporate by
10 reference the prior Paragraphs of this Answer.

11 52. In response to Paragraph 52, Defendants deny that they have engaged
12 in the activities alleged, and except as specifically denied they lack knowledge or
13 information sufficient to form a belief as to the truth of the allegations, and on that
14 basis deny those allegations.

15 53. In response to Paragraph 53, Defendants deny that they have engaged
16 in the activities alleged or have knowledge of the activities alleged, and except as
17 specifically denied they lack knowledge or information sufficient to form a belief as
18 to the truth of the allegations, and on that basis deny those allegations.

19 54. In response to Paragraph 54, Defendants repeat and incorporate by
20 reference the prior Paragraphs of this Answer.

21 55. In response to Paragraph 55, Defendants deny that they have engaged
22 in the activities alleged, and except as specifically denied they lack knowledge or
23 information sufficient to form a belief as to the truth of the allegations, and on that
24 basis deny those allegations.

25 56. In response to Paragraph 56, Defendants deny that they have engaged
26 in the activities alleged, and except as specifically denied they lack knowledge or
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1 information sufficient to form a belief as to the truth of the allegations, and on that
2 basis deny those allegations.

3 57. In response to Paragraph 57, Defendants deny that they have engaged
4 in the activities alleged, and except as specifically denied they lack knowledge or
5 information sufficient to form a belief as to the truth of the allegations, and on that
6 basis deny those allegations.

7 58. In response to Paragraph 58, Defendants deny that they have engaged
8 in the activities alleged, and except as specifically denied they lack knowledge or
9 information sufficient to form a belief as to the truth of the allegations, and on that
10 basis deny those allegations.

11 59. In response to Paragraph 59, Defendants deny that they have engaged
12 in the activities alleged, and except as specifically denied they lack knowledge or
13 information sufficient to form a belief as to the truth of the allegations, and on that
14 basis deny those allegations.

15 60. In response to Paragraph 60, Defendants respond as follows deny that
16 they have engaged in the activities alleged, and except as specifically denied they
17 lack knowledge or information sufficient to form a belief as to the truth of the
18 allegations, and on that basis deny those allegations.

19 61. In response to Paragraph 61, Defendants state that the Third Cause of
20 Action is not asserted against them. To the extent a response is deemed required,
21 Defendants deny the same.

22 62. In response to Paragraph 62, Defendants state that the Third Cause of
23 Action is not asserted against them. To the extent a response is deemed required,
24 Defendants deny the same.

25 63. In response to Paragraph 63, Defendants state that the Third Cause of
26 Action is not asserted against them. To the extent a response is deemed required,
27 Defendants deny the same.

1 64. In response to Paragraph 64, Defendants state that the Third Cause of
2 Action is not asserted against them. To the extent a response is deemed required,
3 Defendants deny the same.

4 65. In response to Paragraph 65, Defendants state that the Third Cause of
5 Action is not asserted against them. To the extent a response is deemed required,
6 Defendants deny the same.

7 66. In response to Paragraph 66, Defendants repeat and incorporate by
8 reference the prior Paragraphs of this Answer.

9 67. In response to Paragraph 67, Defendants state the Fourth Cause of
10 Action is not asserted against them and has also been dismissed by the Court
11 without leave to amend. To the extent a response is deemed required, Defendants
12 deny the same.

13 68. In response to Paragraph 68, Defendants state the Fourth Cause of
14 Action is not asserted against them and has also been dismissed by the Court
15 without leave to amend. To the extent a response is deemed required, Defendants
16 deny the same.

17 69. In response to Paragraph 69, Defendants state the Fourth Cause of
18 Action is not asserted against them and has also been dismissed by the Court
19 without leave to amend. To the extent a response is deemed required, Defendants
20 deny the same.

21 70. In response to Paragraph 70, Defendants repeat and incorporate by
22 reference the prior Paragraphs of this Answer.

23 71. In response to Paragraph 71, Defendants state such Paragraph contains
24 legal conclusions to which no response is required.

25 72. In response to Paragraph 72, Defendants state such Paragraph contains
26 legal conclusions to which no response is required.

1 73. In response to Paragraph 73, Defendants state such Paragraph contains
2 legal conclusions to which no response is required.

3 74. In response to Paragraph 74, Defendants state such Paragraph contains
4 legal conclusions to which no response is required.

5 75. In response to Paragraph 75, Defendants state such Paragraph contains
6 legal conclusions to which no response is required.

7 76. In response to Paragraph 76, Defendants state such Paragraph contains
8 legal conclusions to which no response is required.

9 77. In response to Paragraph 77, Defendants state such Paragraph contains
10 legal conclusions to which no response is required.

11 78. In response to Paragraph 78, Defendants deny that they have engaged
12 in the activities alleged, and except as specifically denied they lack knowledge or
13 information sufficient to form a belief as to the truth of the allegations, and on that
14 basis deny those allegations.

15 79. In response to Paragraph 79, Defendants deny that they have engaged
16 in the activities alleged, and except as specifically denied they lack knowledge or
17 information sufficient to form a belief as to the truth of the allegations, and on that
18 basis deny those allegations.

19 80. In response to Paragraph 80, Defendants deny that they have engaged
20 in the activities alleged, and except as specifically denied they lack knowledge or
21 information sufficient to form a belief as to the truth of the allegations, and on that
22 basis deny those allegations.

23 81. In response to Paragraph 81, Defendants deny that they have engaged
24 in the activities alleged, and except as specifically denied they lack knowledge or
25 information sufficient to form a belief as to the truth of the allegations, and on that
26 basis deny those allegations.

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82. In response to Paragraph 82, Defendants deny that they have engaged in the activities alleged, and except as specifically denied they lack knowledge or information sufficient to form a belief as to the truth of the allegations, and on that basis deny those allegations.

83. In response to Paragraph 83, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations, and on that basis deny those allegations.

84. In response to Paragraph 84, Defendants state such Paragraph contains legal conclusions to which no response is required

85. In response to Paragraph 85, Defendants deny that they have engaged in the activities alleged, and except as specifically denied they lack knowledge or information sufficient to form a belief as to the truth of the allegations, and on that basis deny those allegations.

86. In response to Paragraph 86, Defendants deny that they have engaged in the activities alleged, and except as specifically denied they lack knowledge or information sufficient to form a belief as to the truth of the allegations, and on that basis deny those allegations.

87. In response to Paragraph 87, Defendants deny that they have engaged in the activities alleged, and except as specifically denied they lack knowledge or information sufficient to form a belief as to the truth of the allegations, and on that basis deny those allegations.

88. In response to Paragraph 88, Defendants deny that they have engaged in the activities alleged, and except as specifically denied they lack knowledge or information sufficient to form a belief as to the truth of the allegations, and on that basis deny those allegations.

1 89. In response to Paragraph 89, Defendants state such Paragraph contains
2 legal conclusions to which no response is required

3 90. In response to Paragraph 90, Defendants deny that they have engaged
4 in the activities alleged, and except as specifically denied they lack knowledge or
5 information sufficient to form a belief as to the truth of the allegations, and on that
6 basis deny those allegations.

7 91. In response to Paragraph 91, Defendants state such Paragraph contains
8 legal conclusions to which no response is required.

9 92. In response to Paragraph 92, Defendants deny that they have engaged
10 in the activities alleged, and except as specifically denied they lack knowledge or
11 information sufficient to form a belief as to the truth of the allegations, and on that
12 basis deny those allegations.

13 93. In response to Paragraph 93, Defendants state such Paragraph contains
14 legal conclusions to which no response is required.

15 94. In response to Paragraph 94, Defendants deny that they have engaged
16 in the activities alleged, and except as specifically denied they lack knowledge or
17 information sufficient to form a belief as to the truth of the allegations, and on that
18 basis deny those allegations.

19 95. In response to Paragraph 95, Defendants repeat and incorporate by
20 reference the prior Paragraphs of this Answer.

21 96. In response to Paragraph 96, Defendants deny that they have engaged
22 in the activities alleged, and except as specifically denied they lack knowledge or
23 information sufficient to form a belief as to the truth of the allegations, and on that
24 basis deny those allegations.

25 97. In response to Paragraph 97, Defendants deny that they have engaged
26 in the activities alleged, and except as specifically denied they lack knowledge or
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1 information sufficient to form a belief as to the truth of the allegations, and on that
2 basis deny those allegations.

3 98. In response to Paragraph 98, Defendants deny that they have engaged
4 in the activities alleged, and except as specifically denied they lack knowledge or
5 information sufficient to form a belief as to the truth of the allegations, and on that
6 basis deny those allegations.

7 99. In response to Paragraph 99, Defendants repeat and incorporate by
8 reference the prior Paragraphs of this Answer.

9 100. In response to Paragraph 100, Defendants deny that they have engaged
10 in the activities alleged, and except as specifically denied they lack knowledge or
11 information sufficient to form a belief as to the truth of the allegations, and on that
12 basis deny those allegations.

13 101. In response to Paragraph 101, Defendants deny that they have engaged
14 in the activities alleged, and except as specifically denied they lack knowledge or
15 information sufficient to form a belief as to the truth of the allegations, and on that
16 basis deny those allegations.

17 102. In response to Paragraph 102, Defendants repeat and incorporate by
18 reference the prior Paragraphs of this Answer.

19 103. In response to Paragraph 103, Defendants deny that they have engaged
20 in the activities alleged, and except as specifically denied they lack knowledge or
21 information sufficient to form a belief as to the truth of the allegations, and on that
22 basis deny those allegations.

23 104. In response to Paragraph 104, Defendants deny that they have engaged
24 in the activities alleged, and except as specifically denied they lack knowledge or
25 information sufficient to form a belief as to the truth of the allegations, and on that
26 basis deny those allegations.

1 105. In response to Paragraph 105, Defendants deny that they have engaged
2 in the activities alleged, and except as specifically denied they lack knowledge or
3 information sufficient to form a belief as to the truth of the allegations, and on that
4 basis deny those allegations.

5 106. In response to Paragraph 106, Defendants deny that they have engaged
6 in the activities alleged, and except as specifically denied they lack knowledge or
7 information sufficient to form a belief as to the truth of the allegations, and on that
8 basis deny those allegations.

9
10 **AFFIRMATIVE DEFENSES**

11 Pursuant to Rule 8 of the Federal Rules of Civil Procedure, Defendants
12 hereby assert the following affirmative defenses.

13 **FIRST AFFIRMATIVE DEFENSE**

14 1. The Complaint does not state facts sufficient to constitute a cause of
15 action against Defendants.

16 **SECOND AFFIRMATIVE DEFENSE**

17 2. Plaintiffs' federal civil rights claim is barred because the Complaint
18 fails to allege facts that go beyond mere tortious conduct, and thus, fails to meet the
19 threshold requirements of a civil rights violation.

20 **THIRD AFFIRMATIVE DEFENSE**

21 3. Plaintiffs' claims are barred, in whole or in part, for failure to join
22 necessary parties.

23 **FOURTH AFFIRMATIVE DEFENSE**

24 4. Plaintiffs' claims are barred, in whole or in part, by the equitable
25 doctrine of estoppel.

26 **FIFTH AFFIRMATIVE DEFENSE**

27 5. Plaintiffs' claims are barred, in whole or in part, by the doctrine of
28 laches.

SIXTH AFFIRMATIVE DEFENSE

6. Plaintiffs' claims are barred, in whole or in part, by the doctrine of equitable waiver.

SEVENTH AFFIRMATIVE DEFENSE

7. Plaintiffs' claims are barred, in whole or in part, by the applicable statute of limitations, including but not limited to California Code of Civil Procedure Section 335.1 (two years; applicable to the Sixth Cause of Action for Assault, the Seventh Cause of Action for Battery, and the Eighth Cause of Action for Negligence), Section 338(a) (three years; applicable to the First Cause of Action for violation of the Bane Act, and the Fifth Cause of Action for violation of the California Coastal Commission Act); Section 338(b) (three years; applicable to the Second Cause of Action for Public Nuisance), and Section 343 (four years; generally applicable to a Cause of Action not otherwise specified in Title 2, Chapters 1 – 3, Section 312 et seq.)

EIGHTH AFFIRMATIVE DEFENSE

8. Plaintiffs' damages, if any, are the result of actions of individuals or entities other than Defendants for whose conduct Defendants are not responsible.

NINTH AFFIRMATIVE DEFENSE

9. Plaintiffs' claims are barred, in whole or in part, by the doctrine of unclean hands.

TENTH AFFIRMATIVE DEFENSE

10. Plaintiffs' claims are barred, in whole or in part, because Plaintiffs failed to mitigate their damages, if any.

ELEVENTH AFFIRMATIVE DEFENSE

11. Plaintiffs lack standing to bring this action.

TWELFTH AFFIRMATIVE DEFENSE

12. Plaintiff lacks standing to bring this action.

THIRTEENTH AFFIRMATIVE DEFENSE

13. Defendants acted in good faith and did not directly or indirectly perform any act or omission whatsoever which would constitute a violation of any state or federal rights possessed by Plaintiffs.

FOURTEENTH AFFIRMATIVE DEFENSE

14. Plaintiffs' federal civil rights claim is barred due to the existence of adequate state remedies.

FIFTEENTH AFFIRMATIVE DEFENSE

15. The Plaintiff's federal civil rights claim is barred due to the existence of adequate state remedies.

SIXTEENTH AFFIRMATIVE DEFENSE

16. Defendants are immune from liability in that the injuries and damages, if any, sustained by Plaintiffs at the times and places alleged in the Complaint were a direct and proximate result of the acts, omissions or negligence of third parties not within the knowledge or control of the Defendants, and were sustained, if at all, without any wrongful act or omission on the part of the Defendants.

SEVENTEENTH AFFIRMATIVE DEFENSE

17. Defendants are immune from liability in that the injuries and damages, if any, sustained by Plaintiff at the times and places alleged in the Complaint were a direct and proximate result of the acts, omissions or negligence of third parties not within the knowledge or control of the Defendants, and were sustained, if at all, without any negligence or wrongful act or omission on the part of the Defendants.

EIGHTEENTH AFFIRMATIVE DEFENSE

18. Defendants are immune from liability under Plaintiffs' federal civil rights claim because their conduct did not violate clearly established rights.

NINETEENTH AFFIRMATIVE DEFENSE

19. Plaintiffs' federal civil rights claim is barred because Defendants were

1 not deliberately indifferent to Plaintiffs' constitutional rights.

2 **TWENTIETH AFFIRMATIVE DEFENSE**

3 20. Defendants assert that discovery may reveal the existence of other
4 affirmative defenses pursuant to Rule 8 of the Federal Rules of Civil Procedure, and
5 Defendants reserve the right to amend this Answer to allege any and all of said
6 affirmative defenses as may be applicable.

7 **DEMAND FOR JURY TRIAL**

8 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Defendants
9 demand that this matter be tried by and before a jury to the extent provided by law.

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11 Dated: August 1, 2016

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